

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Gaelle Morisseau,

Plaintiff,

-against-

Global A Brands, INC. et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/5/2024

1:23-cv-05679 (PGG) (SDA)

ORDER**STEWART D. AARON, United States Magistrate Judge:**

Pending before the Court is a motion by McCarter & English, LLP (“M&E”) to withdraw as counsel for Defendants.¹ (Mot. to Withdraw, ECF No. 65.) On August 2, 2024, the Court entered an Order giving Defendants until August 23, 2024 to respond to the motion and directing M&E to serve a copy of the Order upon Defendants. (See 8/2/2024 Order, ECF No. 66.) As of the date of his Order, the Court has not received any response from Defendant Global A Brands, Inc. or Defendant Alford in response to the motion.

“It is well-settled that a court has considerable discretion in deciding a motion for withdrawal of counsel.” *Monocoque Diversified Ints., LLC v. Aquila Air Cap. (Ireland) DAC*, No. 22-CV-10015, 2024 WL 3857929, at *4 (S.D.N.Y. Aug. 19, 2024) (cleaned up). “The court must consider (1) the reasons for withdrawal, and (2) the impact of the withdrawal on the timing of the proceeding.” *Id.* (internal quotation marks omitted). “The existence of irreconcilable differences between counsel and client may be a sufficient reason for withdrawal.” *Id.* “While

¹ M&E moved to withdraw as counsel for all three defendants, Global A Brands, Inc., Tim Alford and Manny Lopez. (See Mot. to Withdraw at 1.) Thereafter, a Stipulation of Dismissal was entered with respect to Defendant Lopez. Therefore, the Court considers the motion with respect to the remaining two defendants.

non-payment of legal fees alone is not usually a sufficient basis to permit an attorney to withdraw a client's refusal to pay attorney's fees may constitute good cause to withdraw if the client either deliberately disregarded financial obligations or failed to cooperate with counsel." *Id.* (cleaned up). Having reviewed M&E's motion and the accompanying declaration of Daniel P. D'Alessandro, the Court is satisfied that withdrawal is appropriate given the cited reasons for withdrawal and the minimal impact on the timing of the case. Accordingly, the motion to withdraw is GRANTED.

The Court will give Defendants thirty days to secure new counsel. Defendant Global A Brands Inc. cannot proceed *pro se*. *See Kaplan v. Bank Saderat PLC*, 77 F.4th 110, 116 (2d Cir. 2023) (citing *Grace v. Bank Leumi Trust Co.*, 443 F.3d 180, 192 (2d Cir. 2006)) ("A corporation may not appear in federal court *pro se*, and default may enter against a corporate defendant that fails to defend itself in the action by retaining counsel."). Thus, Defendant Global A Brands Inc. must obtain new counsel. If Defendant Global A Brands Inc. has not appeared through new counsel by October 7, 2024, Plaintiff shall, no later than October 10, 2024, seek a Certificate of Default from the Clerk of Court. *See Kaplan*, 77 F.4th at 116; *see also McFarlane v. Harry's Nurses Registry*, No. 17-CV-06350 (PKC) (PK), 2020 WL 1643781, at *15 (E.D.N.Y. Apr. 2, 2020) (corporate defendant's failure to obtain counsel is failure to "otherwise defend" under Federal Rule of Civil Procedure 55(a)).

Defendant Alford, even if he does not secure new counsel, may proceed *pro se*. However, Defendant Alford is reminded that he is required to comply with all Court Orders and deadlines and that failure to do so may result in the imposition of sanctions, up to and including entry of a default judgment against him.

The parties are directed to appear for a telephone conference on Tuesday, October 22, 2024 at 11:00 a.m. to discuss the status of this action. At the scheduled time, the parties shall each separately call (888) 278-0296 (or (214) 765-0479) and enter access code 6489745.

M&E shall serve a copy of this Order on Defendant Global A Brands, Inc. and Defendant Alford and, no later than September 12, 2024, shall file proof of service on the docket.

SO ORDERED.

Dated: New York, New York
 September 5, 2024

Stewart D. Aaron
STEWART D. AARON
United States Magistrate Judge